CPMG / KA / BG-GPO/13/2003-2005



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೩೯	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಜನವರಿ ೮, ೨೦೦೪ (ಪುಷ್ಯ ೧೮, ಶಕ ವರ್ಷ ೧೯೨೫)	ಸಂಚಿಕೆ ೨

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

PERSONNEL AND ADMINISTRATIVE REFORMS, SECRETARIAT (ELECTIONS)
NOTIFICATION
No. CIASUE 1 CHU A NA 99, Bangalore Dated: 23rd December 2003

The accompanying order No. 76/KT-LA/2003 (Bye) dated 8th December 2003 of the Election Commission of India is published for general information.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001
No. 76/KT-LA/2003 (Bye) Dated the 8th December, 2003
17, Agrahayana, 1925 (Saka)
ORDER

WHEREAS, the Election Commission is satisfied that each of the contesting candidate specified in column (3) of the Table below at the Bye-Election to the Karnataka Legislative Assembly, 2003 held from the Constituency specified in column (2) against his/her name has failed to lodge any account of his/her election expenses as required by law as shown in column (4) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder; and

WHEREAS, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (3) of the Table below to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this Order.

S. No.	No. and Name of Assembly Constituency	Names of contesting candidates	Reason for disqualification
1.	5- Humnabad	1. Shri Ashfoddin, S/o Sardar Miyan, H.No. 11-224-Brahmapur Lalageri Gulbarga.	Account not lodged at all

S. No.	No. and Name of Assembly Constituency	Names of contesting candidates	Reason for disqualification
	5- Humnabad	2. Shri Channa Basavanand Swamiji, W/o Mallayya Dakulgi, Khatakchincholi Bhalki Tq. Bidar District. 3. Shri M.G. Dayanand Ranjolkheni, Bidar Taluk,Bidar District.	Account not lodged at all

By Order
TAPAS KUMAR
SECRETARY

By Order and in the name of the Governor of Karnataka
H.C. NAGENDRA
Joint Chief Electoral Officer and Ex-Officio
Deputy Secretary to Govt., D.P.A.R. (Elections)

P.R. 109

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Dehi-110001
Dated the 16th December, 2003, 25 Agrahayana, 1925 (Saka)
NOTIFICATION
ಸಿಆಸುಇ/3/ಚುತಅ/2000

No. 82/KT-HP/29/99/2001:- In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951) the Election Commission hereby publishes the order of the High Court of Karnataka, Bangalore, dated the 16th June, 2000 in Election Petition No. 29 of 1999

(HERE PRINT THE ORDER ATTACHED)

By Order
TAPAS KUMAR
Secretary Election Commission of India

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 16TH DAY OF JUNE, 2000
BEFORE
THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR
ELECTION PETITION No.29/1999

BETWEEN:

Michael B Fernandes,
No.5, Myrtle Lane,
Bangalore - 560 025 ....PETITIONER
(By Smt Pramila Nesargi, Ms. Geeta Menon & Sri S. Balaji, Advs.,)

AND:

1. C.K. Jaffer Sharief,
S/o Late C. Abdul Kareem,
Major, No. 46,
Haines Road,
Bangalore - 560 005.
2. C. Narayanaswamy,
S/o Shankarappa,
Major, No.196,
2nd Main Road, K.E.B. Colony,
Geddalahalli, Bangalore - 560 094.
3. M. Sundaramurthy,
S/o C. Masilamani,
Major, No.29, 12th Cross, Vyalikaval,
Bangalore - 560 003.

4. K.N. Parameshappa,
S/o. Narayanappa,
Major, No.10, "Thayiya Neralu"
Street, H.A.Farm Post, Habbal Kempapura,
Bangalore - 560 024
5. Meer Layaq Hussain,
S/o. M.M. Hassan,
Major, Dr. B.R. Ambedkar Medical College Men's Hostel,
Room No. 216, Shampur Road,
Arabic College Post,
K.G. Halli, Bangalore - 560 045.
6. The Election Commission
Represented by its, Chief Election Commissioner,
Nirvachan Bhavan, New Delhi.
7. Shri Mohammed Sanaulla,
Returning Officer and Deputy Commissioner
No.12, Bangalore North Parliamentary Constituency,
Bangalore District, Bangalore.
8. Chief Electoral Officer,
State of Karnataka,
Cubbon Park,
Bangalore - 560 001 ....RESPONDENTS

(By Sri Venkateswar N.K., H.D. Amarnathan & Smt. Madhumita Bagchi for R-1, Sri. N.Sonnegowda for R-2, R-3, 4 & 5 service completed V/O dt:6.6.2000 Sri.Krishna S.Dixit for R-6, Govt.Adv. for R-7 & R-8)

Whereas an Election Petition filed U/s.81 of the Representation of People Act, 1951, by the above named petitioner - candidate at 1999 General Election to the House of Parliament from No.12, Bangalore North Parliamentary Constituency held on 11.9.1999, praying to:

a) Declare that the declaration of result of Respondent No.1 from No.12 Bangalore North Parliamentary Constituency as null and void.
b) Direct repoll of the No.12, Bangalore North Parliamentary Constituency.
c) Declare that the Section 61(a) of the Representation of Peoples Act and consequent rules under chapter 2 of the Conduct of Election Rules, 1961 as unconstitutional.
d) Declare that the elections under Electronic Voting Machine held in No.12, Bangalore North Parliamentary Constituency as null and void.
e) Award costs of the petition to the petitioner.
f) Grant such other reliefs as this Hon'ble Court deems fit under the facts and circumstances, of the case.

has been registered by this Court.

I,A.I for deleting the Respondent No.6, filed by the Advocate for Respondent No.6, I,As. II and III for deleting the Respondent Nos. 7 and 8, filed by the Govt. Advocate.

After hearing, the Court made the following:

ORDER

VPMKJ : E.P.No.29/1999
16.6.2000

ORDERs ON I.As. I, II AND III

These applications have been filed by the respondents 6,7 and 8 to delete them from the party array. The main dispute is with respect to the election to the Bangalore North Parliamentary Constituency which has been held using Electronic Voting Machine (E V M). The contention raised is that the usage of this machine, has adversely prejudiced the claim of the petitioner to win at the Election. I.A.I. has been filed by the 6th respondent ; I.A.II has been filed by the 7th respondent and I.A. III has been filed by the 8th respondent. These applications have made relying on the provisions of section 82 of the Representation of people Act, 1951 (hereinafter referred to as the 'Act'). Section 82 reads as follows:

"82. Parties of the petition - A petitioner shall join as respondents to his petition -

(a) Where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition".

A reading of section 82 makes it clear that the necessary parties to the proceedings Election Petition shall be only the candidates who have contested at the elections. As to who is a "candidate" has been defined at Section 79 (b) of the Act, to mean" a person who has been or claims to have been duly nominated as a candidate at any election." Therefore, it is urged that read with section 86 of the Act, these respondents namely 6, 7 and 8 are not necessary or proper parties to the proceedings. As such they be deleted from party array.

2. The main contention urged by the respondents is that the persons who seek themselves to be deleted from the party array were not the candidates at the elections and as such they should not be made parties to the proceedings.

3. The answer to the investigation has to be under taken, keeping in mind the following observations of the Supreme Court in N.P. Ponnuswami Vs. Returning Officer Namakkal (AIR 1952 SC 64). Therein Justice Fazal Ali speaking for the Bench stated thus:

"18. The points which emerged from this decision may be stated as follows:

(i) The right to vote or stand as a candidate for election is not a civil right but is a creature of statute or special law and must be subject to the limitation imposed by it. (ii) Strictly speaking, it is the sole right of the legislature to examine and determine all matters relating to the election of its own members, and if the legislature takes it out of its own hands and vests in a special tribunal and entirely new one unknown jurisdiction, **that special jurisdiction should be exercised in accordance with law which creates it."**

(Underlining supplied for emphasis)

Again, the said aspect was further elaborated in Jyothi Basu Vs. Debi Ghosal AIR 1982 SC 983. It was stated thus:

"8. A right to elect, fundamental though it is to democracy, is, anomalously enough, neither a fundamental right nor a Common Law Right. It is pure and simple, a statutory right. So is the right to be elected. So is the right to dispute an election. Outside of statute, there is no right to elect, no right to be elected and no right to dispute an election. Statutory creations they are, and therefore, subject to statutory limitation. An election petition is not an action at Common Law nor in equity. It is a statutory proceeding to which neither the common law nor the principles of equity apply but only those rules which the statute makes and applies. It is a special jurisdiction, and special jurisdiction has always to be exercised in accordance with the statute creating it. Concepts familiar to Common Law and Equity must remain strangers to Election Law unless statutory embodied. A Court has no right to resort to them on considerations of alleged policy because policy in such matters, as those, relating to the trial of election disputes, is what the statute lays down. In the trial of election disputes, court is put in a straight jacket. Thus, the entire election process commencing from the issuance of the notification calling upon a constituency to elect a member or members right up to the final resolution of the dispute, if any, concerning the election is regulated by the Representation of the People Act, 1951, different stages of the process being dealt with by different provisions of the Act. There can be no election to Parliament or the State Legislature except as provided by the Representation of the People Act, 1951 and again, no such election may be questioned except in the manner provided by the Representation of the People Act. So the Representation of the People Act has been held to be a complete and self contained code within which must be found any right claimed in relation to an election or an election dispute. We are concerned with an election dispute. The question is who are parties to an election dispute and who may be impleaded as parties to an election petition. We have already referred to the Scheme of the Act. We have noticed the necessity to rid ourselves of notions based on Common Law or Equity. We see that we must seek an answer to the question within the 4 corners of the statute. What does the Act say?"

This infact reiterates what the Supreme Court declared earlier in Jagan Nath Vs. Jaswant Singh AIR 1954 SC 210. Here Chief Justice Mahajan presiding over the five member Bench stated thus:

"7. The general rule is well settled that the statutory requirements of election law must be strictly observed and that an election contest is not an action at law or a suit in equity but is a purely statutory proceeding unknown to the common law and that the court possesses no common law power. It is also well settled that it is a sound principle of natural justice that the success of a candidate who has won at an election should not be lightly interfered with and any petition

seeking such interference must strictly conform to the requirements of the law. None of these propositions however has any application if the special law itself confers authority on a Tribunal to proceed with a petition in accordance with certain procedure and when it does not state the consequences of non-compliance with certain procedural requirements laid down by it."

4. In the decision reported in 1982 SC 983, the question that arose was as to whether the party impleaded therein was necessary to the proceedings or not. Alleging that there are no allegation against them and that their election is not sought to be invalidated, they applied to remove them party array. Admittedly, there was no allegation in the Election petition whatever against the person who sought themselves to be removed from the party array. After considering respective contentions, the Supreme Court observed that the parties to be impleaded in a proceedings with respect to election need be only those persons who are indicated in the special procedure indicated in the statute, namely Section 82 of the Act. The question of necessary parties or proper parties do not arise for consideration in an Election Petition. They held as under :

"10. It is said, the Civil Procedure Code applies to the trial of election petitions and so proper parties whose presence may be necessary in order to enable the Court 'effectually and completely to adjudicate upon and settle all questions involved' may be joined as respondents to the petitions. The question is not whether the Civil Procedure Code applies because it undoubtedly does, but only 'as far as may be' and subject to the provisions of 1951 and the rules made thereunder. Section 87 (1) expressly says so. The question is whether the provisions of the Civil Procedure Code can be invoked to permit that which the Representation of the People Act does not. Quite obviously the provisions of the Code cannot be so invoked."

To come to the conclusion their Lordships placed reliance on the earlier judgement of the Supreme Court referred to supra i.e., AIR 1954 SC 210 (vide para 7 of the judgement).

5. The question that arose for consideration in AIR 1982 SC 983, was whether a person other than a candidate referred to in Section 82 be impleaded in the Election Petition. As a matter of fact, it had been averred in the Election Petition that the parties who sought themselves for removal had colluded and conspired with the successful candidate to commit various alleged corrupt practises. It was urged that if they are not on party array, these allegations cannot be gone in to effectively. That question was also considered as to what should happen if those pleas are to be established. Their Lordships considered the issues and observed as under :

"Where at the concluding stage of the trial of an election petition, after evidence has been given, the Court finds that there is sufficient material to hold a person guilty of a corrupt practice, the Court may then issue a notice to him to show cause under Section 99 and proceed with further action. In our view the legislative provision contained in Section 99 which enables the Court, towards the end of the trial of an election petition, to issue a notice to a person not a party to the proceeding to show cause why he should not be 'named' is sufficient clarification of the legislative intent that such person may not be permitted to be joined as a party to the election petition."

These pronouncements of the Supreme Court according to learned Counsel Mr. Krishna Dixit and Mr. Sundar Kumar, appearing for these respondents who are the applicants in I.A. I to III concludes the issue. The same view has been expressed by the Supreme Court in the subsequent judgement namely 1991(2) Supp. SCC 624.

6. Confronted with the situation, Mrs Pramila Nesargi, learned Counsel for the Election Petitioner placed reliance on the decision of Supreme Court in JAGANNATH Vs. JASWANTH SINGH & OTHERS, (1954 SC 210), wherein the Supreme Court had an occasion to consider, according to her, a similar question and had examined the question as to who are all the necessary/proper parties who can be impleaded in an Election Petition. Their Lordships according to her has taken a view that an Election Petition is like a suit for redemption of mortgage and that the principles of order 34 of CPC Code could be applied to these cases also. As such, she contends that all persons interested in the proceedings can be made party. In fact this case is a converse case. A candidate who should have been impleaded in the light of section 82 of the Act as it stood then was not made party to the proceeding. An application was made to implead the said candidates. The Election Tribunal found that the said person though not a necessary party but was a proper party. He was therefore impleaded invoking powers under Order 1 Rule 9 CPC. The validity of the order came up for consideration in the appeal ultimately before the Supreme Court and this was the question that the Supreme Court had to consider. While upholding the impleadment, their Lordships stated thus :

"12. Provision has been made in S. 90 (1) for any other candidate subject to the provisions of S. 119, to have himself impleaded as a party in the case within a prescribed period. This provision indicates that the array of parties as provided by S. 82 is not final and conclusive and that defects can be cured. Provisions of Ss. 110, 115 and 116 of Chapter IV of the Part also support this view. Section 110 provides the procedure for the withdrawal of a petition. It says that any person who might himself have been a party may within 14 days of publication of the notice of withdrawal in the official gazette apply to be substituted as a petitioner in the place of the party withdrawing it.

Section 115 provides that such a person can be substituted as a petitioner on the death of the original petitioner while S. 116 provides that if a sole respondent dies or gives notice that he does not wish to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is appearing in the petition, the tribunal shall cause notice of such event to be published in the official gazette and thereupon any person who might have been a petitioner may within 14 days of such publication apply to be substituted in the place of such respondent and oppose the petition and shall be entitled to continue the proceedings on such terms as the tribunal may think fit. These provisions suggest that if any proper party is omitted from the lists of respondents, suich a defect is not fatal and the tribunal is entitled to deal with it under the provisions of the Code of Civil Procedure, Order I, Rules 9, 10 and 13."

I am of the view that the principle laid down in AIR 1954 SC 210 only reinforces the reasoning in AIR 1982 SCC 983. The decision in 1954 SC 210 was considering the power of the Election Tribunal to implead the additional respondents if it feels that they were necessary/proper parties. That does not any way conflict the provisions of Section 82. To say that there is power for Tribunal to implead any person who may come within the ambit of Section 99 or Section 110 or 112 etc., does not necessarily mean that, every one however unnecessary to the proceedings he may be impleaded as a party. Election Petition as can be seen from the discussions extracted above is a special proceedings controlled by the special statute. The rights conferred are not Common law right nor is a fundamental right. It is a right created under the statute. That statute itself can control its procedure. All that Section 87 (1) provide is that the Election Petition shall be tried by the High Court **as nearly as may be** in accordance with the procedure applicable under the Code of Civil Procedure to the trial of suits. If that be so, the Court should look into the four corners of the statute to trace its powers and proceed in the matter. The decisions AIR 1954 SC 210 and AIR 1982 SC 983 proceed on the same footing and there is no conflict in the view expressed as sought to be made out. On the contrary, the decision AIR 1982 SC 983 draws its sustenance from the principles discussed in AIR 1954 SC 210.

7. Likewise, in a case before this Court reported in ILR 1990 Kar Pg 2622, this Court also considered the question as to whether the Election Commissioner and Returning Officer are necessary parties to the Election Petition. His Lordship Justice Swamy, (as he then was) after adverting to the averments and pleading in the case held that in the light of the pleadings set out in the petition in the particular case the Election Commission and the Returning Officer were necessary parties to the proceedings. But after noticing the judgement of the Supreme Court in AIR 1982 SC 983, this judgement had not been approved by a later judgement of this Court reported in AIR 1996 KAR 167. In the light of the judgement of the Supreme Court in AIR 1982 SC 983, I prefer to follow the reasoning in AIR 1996 Kar 167.

8. Hence after hearing the respective sides and going through the judgement cited supra, I am of the view that the respondents-6, 7 and 8 are not necessary parties to the proceedings. The challenge in this petition relates to the election held and enquiry turns around the question as to whether there has been any prejudice caused by the use of the Electronic Voting Machine for the purpose of conducting the election. This is not a case of alleging any undue influence being wielded by the successful candidate or others or any official. There cannot be any allegation of undue influence as well. Learned counsel Ms. Pramila Nesargi, wanted to contend that the illegality averred in the petition attracts Section 100 (1) (d) (iv) of the Act and as such the presence of Election Commissioner who took the decision under Section 61-A of the Act to use of the Electronic Voting Machine is necessary. But, to prove some of the grounds made mention in Section 100 and Section 101 of the Act, the presence of Returning Officer in the party array may also be insisted as necessary. But despite these provision Section 82 (1)(a) was so worded, that the parties to the proceedings were confined to 'candidates' as defined in Section 79 (b) of the Act. The Legislature has in its wisdom done so. The Court cannot legislate but only interpret and in view of the interpretation given in AIR 1982 SC 983, I have to uphold the contention of the respondents 6 to 8. Therefore the rival argument does not appeal to the Court to hold that respondents 6, 7 and 8 are necessary parties to the present proceedings. In such circumstances, it is sufficient if only the candidates

are made parties to the proceedings and it is for them to substantiate the contentions. It is not necessary that the Election Commissioner and the Returning Officer are made parties to proceedings. I allow the I.As. I direct that respondents-6, 7 and 8 be deleted from party array.

Issue copy of the order to both sides.

Sd/-
Judge.

P.R. 110

By Order
TAPAS KUMAR
Secretary, Election Commission of India

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 69 ಕೇಶಾಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ 29-10-2003ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ "The Representation of the people (Amendment) Ordinance 2003 (No.5 of 2003)" ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, the 29th October, 2003/Kartika 7, 1925 (Saka)
THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 2003
No.5 OF 2003
Promulgated by the President in the Fifty-fourth Year of the Republic of India

An Ordinance further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

CHAPTER I
PRELIMINARY

1. Short title and commencement.- (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 2003.

(2) It shall come into force at once.

CHAPTER II
AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

2. Amendment of section 13AA of Act 43 of 1950.- In section 13AA of the Representation of the People Act, 1950, in sub-section (1), the words "other than a Union territory." shall be omitted.

CHAPTER III
AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

3. Amendment of Act 43 of 1951.- In the Representation of the People Act, 1951,-

(a) in section 26, sub-section (5) shall be omitted;

(b) in section 78, sub-section (2) shall be omitted.

A.P.J. ABDUL KALAM
President
T.K. VISWANATHAN,
Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಎಲ್. ಸಿದ್ದಯ್ಯ

ಪಿ.ಆರ್. 111

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 82 ಕೇನಿಪ್ರ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 24ನೇ ಡಿಸೆಂಬರ್ 2003

2003ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 24 ರ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ 3 (i)ರಲ್ಲಿ The Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) ಪ್ರಕಟಿಸಿರುವ The Standards of Weights and Measures (Packaged Commodities) Second Amendment Rules-2003 (ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ. F.No. WM 10(5)/2002 ದಿನಾಂಕ 24.09.2003-G.S.R. 760(E)ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

NOTIFICATION

New Delhi, the 24th September, 2003

G.S.R. 760(E).- In exercise of the powers conferred by section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules further to amend the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, namely:-

1.(1) These rules may be called the Standards of Weights and Measures (Packaged Commodities) Second Amendment Rules, 2003.

(2) They shall come into force on the 1st day of December, 2003.

2. In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (hereinafter referred to as the said rules), in rule 5, after the proviso, the following proviso shall be inserted, namely:-

"Provided further that nothing in this rule shall disallow any person from packing any commodity specified against serial numbers 1, 2, 3, 18 and 18A in column 2 of the Third Schedule in any quantity beyond the maximum standard quantity specified in column 3 of the Schedule.".

3. In rule 6 of the said rules, in sub-rule (1),-

(a) in clause (d), after the existing proviso, the following proviso shall be inserted, namely:-

"Provided further that nothing in this clause shall apply in case of packages containing seeds which are labelled and certified under the provisions of the Seeds Act, 1966 (54 of 1966) and the rules made there under;";

(b) in proviso (C), clause (iii) shall be omitted.

4. In rule 9 of the said rules, after sub-rule (3), the following sub-rule shall be inserted, namely:-

"(4) The particulars of declaration required to be specified under this rule on a package shall either be in Hindi in Devnagri script or in English:

Provided that nothing contained in this sub-rule shall prevent the use of any other language in addition to Hindi or English language.

5. In rule 33 of the said rules, after sub-rule (3), the following sub-rule shall be inserted, namely:-

"(4) The particulars of declaration required to be specified under this rule on a package shall either be in Hindi in Devnagri script or in English:

Provided that nothing contained in this sub-rule shall prevent the use of any other language in addition to Hindi or English language.".

6. In rule 34 of the said rules,

(a) in clause (b), the proviso shall be omitted;

(b) for clause (e), the following clause shall be substituted, namely:-

"(e) it contains scheduled formulations and non-scheduled formulations covered under the Drugs (Price Control) Order, 1995 made under section 3 of the Essential Commodities Act, 1955 (10 of 1955)".

7. In the Third Schedule to the said rules,

(a) against serial number 9, in the entry under column 2, after the words, "Materials which may be", the words, "constituted or" may be inserted;

(b) against serial number 19, in the entry under column 3, after the figures and letters "25 kg.", the figures, letters, brackets and words "40 kg. (for white cement only)" shall be inserted.

[F.No. WM 10(5)/2002].

SATWANT REDDY, Addl. Secy.

Note: The principal rules were published in the Gazette of India vide number 622(E) dated 26th September, 1977 and were last amended vide:-

1. GSR 224(E) dated 23.3.2002
2. GSR 253(E) dated 5.4.2002
3. GSR 666(E) dated 25.9.2002
4. GSR 495(E) dated 17.6.2003 with corrigendum issued vide GSR 546 (E) dated 14.7.2003

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಎಲ್. ಸಿದ್ದಯ್ಯ

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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.